

REMARKS

Reconsideration and withdrawal of the rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1 and 5-8 are now pending in this application, with Claims 1, 7 and 8 being independent. Claims 1, 7 and 8 have been amended herein.

Claims 1 and 8 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Publication No. 2003/0035021 (Masuyama et al.). Claims 3, 5 and 7 were was rejected under 35 U.S.C. § 103 as being unpatentable over Masuyama et al. in view of U.S. Patent No. 6,527,360 (Otsuki et al.). These rejections are respectfully traversed.

Without conceding the propriety of the § 102 rejection, the features of dependent claim 3 have been incorporated in each of independent claims 1, 7 and 8. Accordingly the § 102 rejection is deemed to be overcome. Moreover, without conceding the propriety of the § 103 rejection, Applicant will submit a sworn translation of the priority document to establish an effective filing date earlier than the February 2003 publication date of Matsuyma, et al. Further, Applicant hereby states that at the time of invention of this application, the present application and Matsuyama, et al. were commonly assigned or subject to common assignment to Canon Kabushiki Kaisha. Accordingly, Matsuyama, et al. will no longer quality as a reference under 35 U.S.C. § 103(c)/102(e).

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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